

Dylan E. Jackson, WSBA No. 29220
Jeff M. Sbaih, WSBA No. 51551
1000 Second Avenue, Suite 2050
Seattle, WA 98104-3629
Phone: (206) 623-4100
Email: jackson@wscd.com / sbaih@wscd.com
Attorneys for Defendant Federal Express
Corporation f/k/a FedEx Ground Package System, Inc.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JEANENE PHILLIPS, individually,

Plaintiff,

vs.

FEDERAL EXPRESS CORPORATION
F/K/A FEDEX GROUND PACKAGE
SYSTEM, INC., a Pennsylvania
corporation, and DOES I through V,

Defendants.

No. 2:24-cv-00288

NOTICE OF REMOVAL TO
FEDERAL COURT PURSUANT TO
28 U.S.C. §§ 1441 & 1446

PLEASE TAKE NOTICE that Defendant Federal Express Corporation
f/k/a FedEx Ground Package System, Inc. provides notice of removal pursuant
to 28 U.S.C. § 1332(a) and (c), § 1441(a), and § 1446(a), (b) and (d). The
grounds for removal are as follows:

NOTICE OF REMOVAL TO FEDERAL COURT
PURSUANT TO 28 U.S.C. §§ 1441 & 1446 – 1



WILSON
SMITH
COCHRAN
DICKERSON

1000 SECOND AVE., SUITE 2050
SEATTLE, WASHINGTON 98104
TELEPHONE: (206) 623-4100
FAX: (206) 623-9273

RELEVANT FACTS

1. On July 19, 2024, Plaintiff filed a Complaint in the Spokane County Superior Court, entitled *Jeanene Phillips v. FedEx Ground Package System, Inc. and John Does 1-V*, Cause No. 24-2-03504-32, asserting claims against a diverse defendant. Declaration of Jeff Sbaih in Support of Notice of Removal (“Sbaih Dec.”), ¶ 2.
2. On July 25, 2024, Defendant was served via Registered Agent with a copy of the Complaint, Summons, and Scheduling Order. Sbaih Dec., ¶ 3, **Exhibit A**.
3. On July 30, 2024, defense counsel appeared on behalf of Defendant. Sbaih Dec., ¶ 4.
4. On August 14, 2024, Plaintiff filed First Amended Summons and First Amended Complaint entitled *Jeanene Phillips v. Federal Express Corporation f/k/a FedEx Ground Package System, Inc. and John Does 1-V*, under Cause No. 24-2-03504-32. Sbaih Dec., ¶ 5.
5. On August 22, 2024, defense counsel accepted service of the Amended Summons and Amended Complaint on behalf of Defendant. Sbaih Dec., ¶
6. Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders served upon defendants in the State court civil action are attached as **Exhibit 1** to this Notice of Removal.

GROUND FOR REMOVAL

7. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332 because the parties are diverse, the amount in controversy purports to exceeds \$75,000.00 and no defendant is a citizen of Washington. Sbaih Dec., ¶¶ 9-13.

8. Complete diversity jurisdiction exists in that:

i. Plaintiff is a citizen of the State of Idaho, according to the Complaint.

Sbaih Dec., ¶ 9. *See also* Complaint for Damages.

ii. Defendant Federal Express Corporation f/k/a FedEx Ground Package System, Inc. is a foreign corporation incorporated under the laws of the state of Delaware with its principal place of business in Tennessee. FedEx Ground Package System, Inc. was a foreign corporation incorporated under the laws of the State of Delaware with its principal place of business in Pennsylvania at the time of the incident upon which this action is based. FedEx Ground Package System, Inc. no longer legally exists and the entity formerly known as FedEx Ground Package System, Inc. has merged with Federal Express Corporation. Sbaih Dec., ¶ 10.

1 9. This action is properly removed because no named defendant is a citizen
2 of Washington, the state in which Plaintiff brought the action. *See* 28
3 U.S.C. § 1441(b).
4

5 10. Plaintiff claims personal injuries and various categories of damages
6 arising out of a workplace incident on April 25, 2022, in Spokane County,
7 Washington. Plaintiff alleges that a box fell on her head while at work,
8 resulting in personal injuries. *Sbaih Dec.*, ¶ 13. *See also* Complaint for
9 Damages. Defendants expect that Plaintiff claims more than \$75,000 in
10 damages in this case. *Sbaih Dec.*, ¶ 13.
11
12

13 **TIMELINESS OF REMOVAL**

14 11. This Notice is timely under 28 U.S.C. § 1446(b). Defendant filed this
15 Notice of Removal within thirty (30) days after receiving service. *Sbaih*
16 *Dec.*, ¶ 14.
17

18 **VENUE AND INTRA-DISTRICT ASSIGNMENT**

19 12. Venue is proper in this District, pursuant to 28 U.S.C. § 1441(a) because
20 the Complaint was filed and is currently pending in the Spokane County
21 Superior Court of Washington.
22

23 13. The Eastern District of Washington at Spokane is the proper intra-district
24 assignment for this action upon removal because it is the division that
25 embraces the county where the state court action was pending.
26



CONSENT AND NOTICE

14. Counsel for Defendant will file a copy of this Notice of Removal with the Clerk of the Superior Court and will give notice of the same to Plaintiff as required by 28 U.S.C. § 1446(d).

15. Defendant expressly reserves all defenses and rights, and none of the foregoing shall be construed as in any way conceding the truth of any of Plaintiff's allegations or waiving any of Defendant's defenses.

DATED: August 23, 2024.

By: s/Dylan E. Jackson

By: s/Jeff M. Sbaih

Dylan E. Jackson, WSBA No. 29220

Jeff M. Sbaih, WSBA No. 51551

1000 Second Avenue, Suite 2050

Seattle, WA 98104-3629

Phone: (206) 623-4100

Email: jackson@wscd.com/sbaih@wscd.com

Attorneys for Defendant Federal Express Corporation
f/k/a FedEx Ground Package System, Inc.



CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on the below date I filed the foregoing document with the Clerk of the Court of the Eastern District of Washington using the court's CM/ECF system and I caused a true and correct copy to be served on:

Attorney for Plaintiff

Laura J. Black, WSBA No. 35672
Craig Swapp & Associates
16201 East Indiana Avenue, Suite 1900
Spokane Valley, WA 99216
(509) 252-5027
laura.black@craigswapp.com

SIGNED this 23rd day of August, 2024, at Seattle, Washington.



Mark Gockley